

Message Text

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ACTION IO-14

INFO OCT-01 ARA-10 ISO-00 HA-05 CIAE-00 DODE-00 PM-05

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FM AMEMBASSY SANTIAGO

TO AMEMBASSY MONTEVIDEO

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C O N F I D E N T I A L SANTIAGO 1126

E. O. 11652: GDS

TAGS: SHUM, UNHRC, CI

SUBJECT: UNHRC -- CHILE'S INTEREST IN 1503 PROCEDURES

REFS: (A) MONTEVIDEO 0530, (B) STATE 022442 (NOTAL) (C) SANTIAGO

1022 (NOTAL)

1. WE HAVE NOT RECEIVED GENEVA'S 2231 AND THEREFORE CANNOT BE SURE WHAT IDEAS THE URUGUAYANS MAY HAVE GOTTEN FROM THE CHILEANS REGARDING ARRANGEMENTS WITH THE UNHRC (PARA 4 OF REFTTEL A).

2. BASICALLY, AS THE CHILEANS SEE IT, THEIR PROBLEM IS THAT THEY DO NOT HAVE AN ARRANGEMENT WITH THE AD HOC WORKING GROUP OF THE HRC THAT ADEQUATELY ENSURES PROCEDURAL DUE PROCESS. THEY SEEK AGREEMENT IN THE HRC TO APPLY PROCEDURAL GUIDELINES SET FORTH IN A SERIES OF ECOSOC RESOLUTIONS (OF WHICH 1503 IS THE MOST RECENT) AND AS ADOPTED IN OTHER UN ENTITIES -- E.G., UNESCO.

3. THE GOC CLAIMS THAT IT ACCEPTED THE ESTABLISHMENT OF THE
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AD HOC WORKING GROUP IN 1975 ON THE UNDERSTANDING THAT GUIDELINES FOR ITS WORK WOULD BE ESTABLISHED WHICH WOULD ADEQUATELY ENSURE CERTAIN FUNDAMENTAL PRINCIPALS OF FAIRNESS AND OBJECTIVITY: FOR EXAMPLE, THAT ACCUSATIONS MUST BE MADE IN WRITING, THAT THEY CANNOT BE ANONYMOUS, THAT ACCUSATIONS SHOULD BE SUBMITTED WITHIN A REASONABLE TIME, AND THAT THERE SHOULD HAVE BEEN EXHAUSTION OF INTERNAL CHANNELS OF RECOURSE. FURTHERMORE, UNDER RESOLUTION

1503 AS UNDERSTOOD BY THE GOC, A SPECIAL COMMITTEE CAN BE ESTABLISHED TO INVESTIGATE A PARTICULAR COUNTRY ONLY IF THE INTERESTED STATE CONSENTS; AND SUCH INVESTIGATION MUST BE PERFORMED IN CONSTANT COLLABORATION WITH THE COUNTRY CONCERNED AND UNDER CONDITIONS MUTUALLY AGREED UPON.

4. THE GOC ARGUES THAT THE AD HOC WORKING GROUP OF CHILE HAS SYSTEMATICALLY AVOIDED ADHERENCE TO THESE NORMS AND PROCEDURES. THUS, AS SET FORTH IN THE LETTER FROM VICE MINISTER FOR FOREIGN RELATIONS VALDES TO UNSYG WALDHEIM OF JANUARY 5, 1978, THE GOC HAS "FINALLY COME O THE CONCLUSION THAT AFTER THREE YEARS OF NEGOTIATIONS, AND IN VIEW OF THE RESULTS WHICH HAVE BEEN OBTAINED, IT IS ABSOLUTELY USELESS TO CONTINUE WITH THE SITUATION IN THE WAY IT IS BEING CARRIED OUT BY THE WORKING GROUP": AND ACCORDINGLY "THE CHILEAN GOVERNMENT, FROM NOW ON, WILL DEMAND FROM THE HRC AN ATTITUDE BASED STRICTLY ON LAW."

5. IT IS OUR UNDERSTANDING THAT THE GOC DELEGATION AT THE HRC MEETINGS NOW IN PROGRESS WILL BE PRESSING FOR STRICT APPLICATION OF 1503 PROCEDURES TO THE FUTURE ACTIVITIES OF YE AD HOC WORKING GROUP ON CHILE.

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